Québec's International Initiatives

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Legal and Historical Foundations

A Word from the Minister

"Québec has had a strong international presence for several decades, and one that has increased significantly over the last 40 years. This international presence reflects the need for Québec to promote its interests and express its identity abroad. At the dawn of the 21st century, the unprecedented challenges facing Québec society make this international presence more necessary than ever before."

Monique Gagnon-Tremblay
Minister of International Relations and
Minister responsible for La Francophonie

Québec is a federated state. It has exclusive jurisdiction in a number of areas, including private law, natural resource management, health care, education, culture, and municipal institutions. It administers its own fiscal system and levies taxes, including income tax. It oversees the administration of the courts and most public security services on its territory, and selects immigrants to Québec. In other areas, such as the environment, agriculture and transportation, the Government of Québec shares responsibility with the federal government.

Over the years, Québec has put in place legal and institutional instruments that allow it to take responsibility for the international extension of its areas of jurisdiction. It has mandated the Ministère des Relations internationales to direct the government's actions at the international level, coordinate the related activities of government departments and agencies, manage a network of offices abroad, and negotiate and implement international agreements.

For the past forty years, successive governments have acted with remarkable consistency. Québec now has nearly thirty posts abroad. It has signed over 300 bilateral agreements with national governments and federated states in nearly 80 countries. The Government of Québec sits on the governing bodies of La Francophonie. It participates in the work and conferences of UNESCO and carefully monitors the work of international organizations in matters involving its areas of jurisdiction and interests. It ensures the implementation within its boundaries of a number of international agreements reached under the aegis of the United Nations and other international bodies.

Québec

The legal foundations

The Canadian Constitution is mute on matters of international relations. It dates back to the colonial era and makes no mention of foreign relations apart from treaties signed by the British Empire.

Successive court rulings since the 19th century have established that, in Canada, a federated state is not subordinate to the federal state. In 1937, the Judicial Committee of the Privy Council in London, then the court of last appeal for Canada, ruled that the power to implement international treaties fell either under the purview of the Parliament of Canada or the provincial legislatures, depending on their respective jurisdictions. The division of powers between the federal state and the federated states set out in the Constitution prevails. This is why Québec considers that it is justified in taking responsibility for the international extension of its areas of jurisdiction. Québec's international policy results from, and is built on, the duality of powers enshrined in the Constitution.

All subsequent Québec governments have followed this line of political conduct.

When Québec promotes and defends its interests on the international scene in areas under its jurisdiction, it does so in full acknowledgement that the British North America Act of 1867 and Canada's international legal personality give the federal government exclusive jurisdiction over such matters as national defence, the granting of diplomatic status, the recognition of foreign states and customs duties and tariffs.

In certain cases, Québec's actions abroad are based on agreements reached with the Canadian government. For example, in the area of immigration, Québec sets its own selection criteria and selects the independent immigrants it wishes to receive. With respect to membership in La Francophonie, Québec signed a protocol in 1971 with the Canadian government that enshrined its status as a participating government under the Charter of the Cultural and Technical Cooperation Agency, which later became the International Organization of the Francophonie.

In addition, in the May 2006 agreement on UNESCO, the Canadian government recognized that the specificity of Québec leads it to play a special role internationally. The agreement gives Québec a repre-

Chronology of legal foundations

1867 The Canadian federation is created.

1931 The *Statute of Westminster* recognizes Canada as a sovereign nation.

1937 The Privy Council in London rules that the power to implement international treaties reached by Canada falls within the purview of either the federal government or the provincial governments, depending on whether the treaties deal with federal or provincial jurisdictions.

1940 Québec legislation allows the appointment of an agent-general in any foreign country.

1965 Deputy Premier Paul Gérin-Lajoie lays the foundations of what will become the "Gérin-Lajoie Doctrine," which recognizes the principle of the extension of domestic areas of jurisdiction: international commitments must be undertaken by the government with the power to implement them.

1967 The Ministère des Affaires intergouvernementales, the precursor to the Ministère des Relations internationales, is created.

1970 The Niamey Convention recognizes the status of participating government, enabling Québec to play a direct role in the activities of the Cultural and Technical Cooperation Agency, which later becomes the International Organization of the Francophonie.

1978 The Couture-Cullen Agreement recognizes Québec's right to select immigrants wishing to settle in Québec based on its own criteria.

2002 The National Assembly is associated in the process of approving important international commitments that affect Québec.

2006 A Canada-Québec agreement is signed, recognizing Québec's international role and its right to participate in UNESCO proceedings, meetings and conferences as part of the Canadian Delegation.

Speech given for the 40th anniversary of the opening of the Confederation Centre of the Arts

"We believe that when Québec is the sole government responsible for implementing a particular international agreement, it should clearly be the one making the international commitment. It is up to Québec to take responsibility for the international extension of its areas of domestic jurisdiction: a Québec jurisdiction at home remains a Québec jurisdiction abroad."

Jean Charest
Premier of Québec
Charlottetown, Prince Edward Island, November 8, 2004

sentative with Canada's Permanent Delegation and recognizes the right of Québec's representative to participate fully in all UNESCO proceedings, meetings and conferences in order to give expression to the voice of Québec.

Since 2002, any important international commitments undertaken by the Québec government must be submitted to the National Assembly, whether they are signed directly by Québec or require Québec's consent for their implementation, if they are signed by Canada and touch on Québec's jurisdictions.

By law, the National Assembly is now systematically associated in the process leading up to the signing of important international commitments. This ensures that key issues for society are debated at the National Assembly.

A few historic benchmarks

Québec's foreign actions date back to the 19th century when they were essentially unilateral in nature and initially focused on immigration, foreign investment and trade.

In 1871, Québec began sending immigration officers to the United Kingdom, continental Europe and the United States. From 1880 to 1883, Québec's representative in London also provided assistance to Québec exporters.

In 1882, the government appointed Hector Fabre as its agent-general in Paris to act as "the accredited representative of the government of Quebec for all negotiations falling within the jurisdiction of the province." The appointment came with a broad mandate, relatively clear instructions and a high level of responsibility, since Hector Fabre reported directly to the Premier of Québec.

Québec appointed an agent-general to London in 1911 and then to Brussels three years later.

In 1940, the *Act respecting the Agents-General for the Province* provided for appointments "to all countries and all places in the Dominion and abroad." Its goal was to promote Québec's development through exports, immigration, tourism, investment from abroad, and relations with financial markets.

Under this Act, the government appointed an agent-general to New York City in 1943. Since June 1940, the appointee had held the post of Secretary at Québec's Trade and Tourism Bureau in New York.

First Québec offices and positions abroad

1871 Immigration officers are sent to the United Kingdom, Europe and the United States.

1882 Hector Fabre is appointed agent-general in Paris.

1911 Pantaléon Pelletier is appointed agent-general in London.

1914 Godfroi Langlois is appointed agent-general in Brussels.

1940 Québec opens a Trade and Tourism Bureau in New York City, which later becomes a Québec Government Office in 1943.

1961 The Québec Government Office in Paris (then known as "Maison du Québec") is opened.

1962 The Québec Government Office in London (then known as Québec House) is opened.

1964 Québec opens a Trade Office in Milan.

1968 Québec opens a Trade Office in Chicago, which later becomes a Québec Government Office.

1970 Québec opens a Trade Office in Boston, which later becomes a Québec Government Office.

1972 The Québec Government Office in Brussels is opened.

1973 The Québec Government Office in Tokyo (then known as Québec House) is opened.

1980 The Québec Government Office in Mexico is opened.

Starting in 1960, Québec underwent a period of profound social and political transformation known as the "Quiet Revolution." The government increased the role of the state and launched a major reform of the government apparatus. At the same time, Québec society developed a strong interest in foreign relations and cooperation became increasingly important in areas such as education, culture, and health care.

In 1961, Québec passed legislation providing for the appointment of agents-general and delegates-general abroad to carry out "economic and cultural duties as well as any other functions attributed to them by the Lieutenant-Governor in Council." It was a new beginning for the expansion of Québec's network of offices in cities around the world: Paris (1961), London (1962), Milan (1964), Chicago (1968), Boston and Los Angeles (1970), Brussels (1972), Tokyo (1973), Mexico City (1980), Beijing (1998) and Shanghai (1999), among others.

The Act creating the Ministère des Affaires intergouvernementales, the precursor to the current Ministère des Relations internationales, was adopted on April 13, 1967. Québec is the only Canadian province with a department dedicated entirely to foreign relations.

Interparliamentary relations

Québec legislators are extensively involved in interparliamentary relations. Québec's National Assembly is a member of the Parliamentary Assembly of the Francophonie and the Commonwealth Parliamentary Association. In 1997, it hosted the first Parliamentary Conference of the Americas, which has since become the Parliamentary Confederation of the Americas (COPA).

Québec parliamentarians maintain relations with their counterparts in both the French National Assembly and Senate. They also maintain close ties with two major American organizations whose purpose is to promote intergovernmental cooperation, the exchange of information, and the development of joint programs: the National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG), which bring together the members of the assemblies of 50 American states and territories.

A network of offices abroad

Québec has established an official presence in some 20 countries, through offices whose mandate varies according to the city or country in which they are located. Depending on their status, they may deal with political, economic and trade issues, tourism, immigration, culture, education, institutional relations or intergovernmental relations, in addition to promoting Québec in a more general sense.

They also keep the Government of Québec apprised of economic, political, and social developments that may have an impact on Québec.

General Delegations and Delegations are headed by a representative (Delegate General or Delegate) appointed by the Government. The other offices are headed by civil servants assigned by the Minister of International Relations or a Deputy Minister. ■

Speech at the École nationale d'administration publique

"For 40 years, successive governments have expanded Québec's international outreach. [...] One of the greatest challenges that will face Québec society in coming years is the challenge of globalization, with all its ramifications. A number of sectors under Québec's exclusive jurisdiction were, until recently, unaffected by major international trends. This is no longer the case. The government will be there wherever Québec's interests are at stake. We will make our voice heard everywhere."

Jean Charest
Premier of Québec
Québec City, February 25, 2004

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